

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

JOHN E. NIELSEN

Plaintiff,

Case No.: 1:19-cv-00895-BR

v.

**COMMISSIONER SOCIAL SECURITY
ADMINISTRATION**

Defendant.

Social Security Case Assignment Order

1. Presiding Judge: The above referenced case has been filed in the Medford Division Division of the U.S. District Court for the District of Oregon and assigned for all further proceedings to:

**Presiding Judge..... Hon. Anna J. Brown
Presiding Judge's Suffix Code*..... BR**

***These letters must follow the case number on all future filings.**

2. Courtroom Deputy Clerk: Questions about the status or scheduling of this case should be directed to:

Jacob Yerke
Telephone: 503-326-8053
Email: jacob_yerke@ord.uscourts.gov

3. Civil Docket Clerk: Questions about CM/ECF filings or docket entries should be directed to:

Telephone: 541-608-8777

4. Place of Filing: Pursuant to LR 3-3 all conventionally filed documents must be submitted to the Clerk of Court, James A. Redden U.S. Courthouse, 310 West Sixth St., Medford, OR, 97501. (See also LR 5-5)

5. District Court Website: Information about United States Magistrate Judges in the District of Oregon; local rules of practice; CM/ECF electronic filing requirements; responsibility to redact personal identifiers from pleadings, motions, and other papers; and other related court information can be accessed on the court's website at ord.uscourts.gov.

6. Free Legal Assistance for Pro Se Litigants: Litigants proceeding pro se (without a lawyer) may qualify for free legal assistance from the Oregon Chapter of the Federal Bar Association's Free Federal Law Clinic. To see if you qualify, apply at fedlawclinic.com.

7. Consent to a Magistrate Judge: In accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, all United States Magistrate Judges in the District of Oregon are certified to exercise civil jurisdiction in assigned cases and, with the consent of the parties, enter final orders on dispositive motions, conduct trial, and enter final judgment, which may be appealed directly to the Ninth Circuit Court of Appeals.

Parties are encouraged to consent to the jurisdiction of a Magistrate Judge by signing and filing the (attached) Consent to Jurisdiction by a United States Magistrate Judge and Designation of the Normal Appeal Route. There will be no adverse consequences if a party elects not to consent to a Magistrate Judge. A Magistrate Judge, however, may be able to resolve a case earlier as they are primarily assigned only to civil cases.

The Social Security Administration has filed with the court a general consent to disposition by Magistrate Judges in social security cases (*see* 3:06-mc-9130), reserving the right to withdraw in a given case no later than the date of filing the answer to the complaint. The right to withdraw the general consent has also been reserved.

Additional information about United States Magistrate Judges in the District of Oregon is available on the Court's website.

DATED: June 10, 2019

MARY L. MORAN
Clerk of Court

by: /s/ J. Montgomery
J. Montgomery, Deputy Clerk

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Social Security Case Procedural Order

The above action seeks review of a final decision by the Commissioner of the Social Security Administration under Title II and/or Title XVI of the Social Security Act. The Court's jurisdiction is limited to reviewing the administrative record to determine whether the decision is supported by substantial evidence in the record and free of legal error. Notwithstanding any other rule governing the procedure in civil cases, the following procedural requirements shall apply in this action:

1. Electronic Access to Social Security Case Documents:

a. Restrictions on Public Access: In accordance with the September 1, 2004 action of the Judicial Conference of the United States Courts, Social Security case documents are exempted from public access using the PACER or CM/ECF systems.

b. CM/ECF Access Permitted for Attorneys of Record: Electronic access to social security case documents is available to CM/ECF registered attorneys of record in this case and to an unrepresented party who has been given permission by the assigned judge in this case to become a registered CM/ECF user pursuant to Local Rule 5-1. Further information on electronic filing is available on the court's website at ord.uscourts.gov.

2. Redaction of Personal Identifier Information: Notwithstanding the limitations on public access described in the preceding paragraph, the parties are still required to redact personal identifier information from all filings, except the administrative record (*See* Fed. R. Civ. P. 5.2).

3. Notification to the Local US Attorney's Office:

a. When opening this case, the clerk's office will add the local Assistant United States Attorney (AUSA) to the docket sheet for electronic notification purposes only. Such action does not constitute an appearance by the government on behalf of the Defendant, nor does it relieve the plaintiff of his/her obligation to perfect service in accordance with the Federal Rules of Civil Procedure.

b. Not later than five (5) days after receipt of this order, plaintiff, or if represented, plaintiff's attorney, will send written notice of the plaintiff's complete Social Security number to the local AUSA at the following address:

**United States Attorney's Office
ATTN: Renata Gowie, AUSA
1000 S.W. Third Avenue
Suite 600
Portland, OR 97204-2902**

4. Case Management Deadlines: Unless a "Notice of Intent to Engage in Voluntary Settlement Procedures" is timely filed, the following case management deadlines and procedural requirements apply. The Court grants an extension of time for defendant to file an answer up to and including 120 days from the effective date of service.

Requirement	Deadline	Responsibility
Service of the <u>Notice of Plaintiff's Social Security Number</u>	Not later than five (5) days after receipt of this Order.	Plaintiff
Ordering the administrative record	Not later than five (5) days after receipt of the <u>Notice of Plaintiff's Social Security Number</u>	Defendant
Filing an <u>Answer</u> and the <u>Transcript of the Administrative Record</u>	Not later than 120 days from the effective date of service under Fed.R.Civ.P. 4	Defendant
Filing a <u>Memorandum in Support of the Petition for Review</u>	Not later than 60 days after service of the Answer	Plaintiff
Filing an <u>Opposition Brief</u>	Not later than 60 days after service of Plaintiff's memorandum	Defendant
Filing a <u>Reply Brief</u>	Not later than 14 days after service of Defendant's Opposition Brief (<i>See</i> LR 7-1(e)(2))	Plaintiff

5. No Extensions Authorized Without Court Order: See LR 16-3 and LR 29.

6. Under Advisement Date: Unless otherwise directed by the Court, this matter will be taken under advisement (without further hearing) twenty-one (21) days after the filing of Defendant's Opposition Brief.

7. Application for Attorney Fees: If a judgment favorable to the Plaintiff is entered, attorney's fees will be awarded by the Court upon application by the Plaintiff, regardless of whether a final determination has been made by the Commissioner.

A fee petition, accompanied by an affidavit which itemizes the representation in each forum, should be filed with the Court within thirty (30) days of entry of judgment. (See § 28 U.S.C 2412(d)(1)(B)). In no case will the Court grant fees exceeding 25% of the award.

DATED: June 10, 2019

**MARY L. MORAN
Clerk of Court**

by: /s/ J. Montgomery
J. Montgomery, Deputy Clerk

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Defendant.

**Consent to Jurisdiction by a Magistrate Judge
and Designation of the Normal Appeal Route**

Pursuant to Fed. R. Civ. P 73(b), as counsel for the party (parties) identified below, I consent to have a United States Magistrate Judge conduct any and all proceedings in this case, including entry of orders on dispositive motions, trial, and entry of final judgment. I understand that withholding consent will not result in any adverse consequences. Pursuant to Fed. R. Civ. P. 73(c), I agree that an appeal from a judgment entered at a Magistrate Judge's direction may be taken to the court of appeals as would any other appeal from a district court judgment.

DATED: _____

Signature: _____

Name and OSB ID: _____

E-mail Address: _____

Firm Name: _____

Mailing Address: _____

City, State, Zip: _____

Parties Represented: _____

UNITED STATES DISTRICT COURT
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Plaintiff,

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ADMINISTRATION**

Defendant.

Social Security Case
Voluntary Settlement Procedures

In an effort to resolve this case, the parties may engage in good faith settlement negotiations according to the following schedule:

- 1.** File a Notice of Intent to Engage in Voluntary Settlement Procedures with the Clerk of Court. The court will then extend the due date for the opening brief to 120 days after service of the administrative record. The remaining briefs shall be due in accordance with the Court's initial Social Security Procedural Order.
- 2.** Within 45 days after service of the administrative record, plaintiff may prepare a written statement succinctly setting forth the relevant issues and reasons supporting his/her Complaint without citation to legal authorities or reference to attorney fees.
- 3.** **This statement should not exceed three single-spaced pages and should be marked "CONFIDENTIAL" and NOT FILED with the Court. Instead, plaintiff should mail or e-mail the statement to the following officials:**

SSA's General Counsel's Office	U.S. Attorney's Office – Oregon
<p><u>OGC.Seattle.ECF@ssa.gov</u> and <u>rebecca.halvorsen@ssa.gov</u></p> <p style="text-align:center">or mail to</p> <p style="text-align:center">Social Security Administration Office of General Counsel 701 5th Ave., Suite 2900 Mail Stop 901 Seattle, WA 98104–7075</p> <p style="text-align:center">Attention: Regional Chief Counsel, and Rebecca Halvorsen</p>	<p><u>renata.gowie@usdoj.gov</u></p> <p style="text-align:center">or mail to</p> <p style="text-align:center">U.S. Attorney's Office District of Oregon 600 U.S. Courthouse 1000 SW Third Ave. Portland, OR 97204–2902</p> <p style="text-align:center">Attention: Renata Gowie, AUSA</p>

- 4.** Within 45 days after receipt of plaintiff's statement, defendant shall evaluate the merits of plaintiff's position and serve a brief response on plaintiff. The response shall be marked "confidential" and NOT filed with the Court.
- 5.** In the event the parties stipulate to a remand, dismissal, or other resolution of the case, then the stipulation shall be filed with the Court within 14 days after service of defendant's response on

plaintiff.

5. In the event the parties do not stipulate to a remand, dismissal, or other resolution of the case, then plaintiff shall file and serve an opening brief within 30 days after service of defendant's response. The remaining briefs shall be due in accordance with the Court's initial Social Security Procedural Order.

6. In the event that defendant concedes error, but seeks a remand rather than an award of benefits, then defendant shall file a motion to remand within 30 days after service of defendant's response. The remaining briefs shall be due in accordance with the Court's initial Social Security Procedural Order.

DATED this 10th day of June, 2019

/s/Anna J. Brown

Honorable Anna J. Brown
United States Senior District Judge.